

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID W. TAYLOR	:	
Plaintiff,		
 v.	:	CIVIL ACTION
		NO. 15-4873
AMERICAN POSTAL WORKERS UNION		
<i>AFL-CIO</i> PHILADELPHIA, PA	:	
AREA LOCAL 89		
Defendant.		

ORDER

AND NOW, this 8th day of October 2019, upon consideration of Defendant's Motion to Dismiss, or in the alternative, Motion for Summary Judgment (ECF No. 129) and Plaintiff's Opposition thereto (ECF No. 141), it is hereby ORDERED as follows:

- (1) Defendant's Motion shall be treated as one for Summary Judgment;
- (2) Defendant's Motion for Summary Judgment is GRANTED as to Count I of Plaintiff's Fourth Amended Complaint;
- (3) Defendant's Motion for Summary Judgment is DENIED as to Count II of Plaintiff's Fourth Amended Complaint;
- (4) Summary Judgment is GRANTED in favor of Plaintiff on Count II of his Fourth Amended Complaint;
- (5) Summary Judgment is GRANTED in favor of Defendant regarding the issue of punitive damages;
- (6) The parties shall contact Magistrate Judge Lynne A. Sitarski to schedule a settlement conference to be held no later than November 22, 2019; and,

(7) On or before December 6, 2019, the parties shall provide this Court with a written joint status report.¹

BY THE COURT:

/s/ C. Darnell Jones, II J.

¹ Said Report shall inform the court as to whether the parties would be amenable to participating in another settlement conference with the court or another round of court-sponsored mediation.